

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORIO MINA-FALCON,

Defendant.

8:23-CR-182

**ORDER GRANTING MOTION TO
WITHDRAW AND DENYING MOTION
TO REDUCE SENTENCE**

This matter is before the Court on the defendant's *pro se* Motion to Reduce Sentence, Filing 161, and a Motion to Withdraw filed by the defendant's counsel, Filing 163. The Office of the Federal Public Defender was appointed to represent the defendant pursuant to General Order No. 2023-09. Filing 162. The purpose of this appointment was to determine whether the defendant qualified "for relief pursuant to either the 2023 U.S. Sentencing Guidelines amendments of [U.S.S.G. § 1B1.13](#) or [U.S.S.G. § 1B1.10](#) providing for the retroactive application of Amendment 821[.]" Filing 162 at 1. The defendant's counsel has moved to withdraw as counsel because "the Defendant was sentenced after the effective date of the guideline amendment and previously received the requested guideline reduction as a zero-point offender pursuant to U.S.S.G. § 4C1.1." Filing 163 at 1. The United States Probation Office also submitted a worksheet in this case which states that the defendant is not entitled to a reduction. Filing 164.

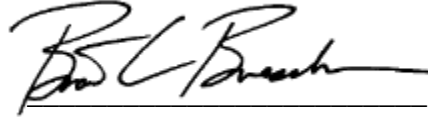
The Court has conducted its own review of the defendant's *pro se* Motion along with other relevant matters in the record. The Court concludes that the defendant is not entitled to the requested sentencing relief. The defendant's *pro se* Motion is without merit and will be denied. The Court likewise concludes that the Motion to Withdraw should be granted for the reasons set forth in the Motion. Accordingly,

IT IS ORDERED:

1. The Federal Public Defender's Motion to Withdraw, Filing 163, is granted; and
2. The defendant's *pro se* Motion to Reduce Sentence, Filing 161, is denied.

Dated this 11th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge